

AUG 01 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

MARIA GUADALUPE GONZALEZ
CORONA; ANGHELL BERENIC
NATHALEE SANCHEZ GONZALEZ;
GILDARDO RENE SANCHEZ
MARTINEZ,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-72757

Agency Nos. A75-304-224
A75-304-223
A75-304-386

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Maria Guadalupe Gonzalez Corona, her husband Gildardo Rene Sanchez
Martinez and their daughter, Anghell Berenic Nathalee Sanchez Gonzalez, natives

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's decision denying their application for cancellation of removal. We dismiss the petition for review.

The petitioners' contention that the BIA violated their due process rights by disregarding their evidence of hardship to their United States citizen daughter is not supported by the record and does not amount to a colorable constitutional claim. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) ("[t]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.").

We do not consider whether the petitioners established ten years of continuous physical presence, because their failure to establish the requisite hardship is dispositive. *See* 8 U.S.C. § 1229b(b)(1); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 889 (9th Cir. 2003) (noting that an applicant must establish continuous physical presence, good moral character and hardship to qualify for relief).

PETITION FOR REVIEW DISMISSED.